# Illinois Gun Laws Guide

### A. Background Checks

# 1. Universal Background Checks in Illinois: (Last updated December 11, 2019.)

a. Any unlicensed seller of a firearm who seeks to transfer a firearm to any unlicensed purchaser must, prior to transfer, contact the Department of State Police (DSP) with the transferee’s Firearm Owner’s Identification (FOID) Card number to determine the validity of the transferee’s FOID Card.1 The seller must await approval by DSP before transferring the firearm. Approvals issued by DSP for the purchase of a firearm are valid for 30 days.2

b. There are certain exceptions to this requirement, including: 1) transfers as a bona fide gift to the transferor’s husband, wife, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother, sister, nephew, niece, uncle, aunt, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, or daughter-in-law;3 and 2) transfers that occur at a federally licensed firearm dealer’s place of business, if the licensed dealer conducts a background check on the prospective recipient of the firearm and follows all other applicable federal, state, and local laws as if he or she were the transferor of the firearm.4

c. An unlicensed seller or transferor who complies with the law by determining the validity of a purchaser’s FOID card, will not be liable for damages in any civil action arising from the use or misuse by the transferee of the firearm transferred, except for willful or wanton conduct on the part of the seller or transferor.5

d. DSP is tasked with maintaining an Internet-based system for private sellers to use to determine the validity of a FOID Card prior to transferring a firearm to an unlicensed purchaser.6

e. Illinois has a separate private sales background check requirement at gun shows.

f. The following Illinois laws apply to all firearm sales, regardless of whether the seller is a licensed dealer:

* Illinois law prohibits any person from knowingly selling firearms or ammunition to individuals who are ineligible to possess a firearm or who do not hold a Firearm Owner’s Identification (“FOID”) card. It is a Class 3 felony, for example, for any person to knowingly sell or give any firearm to any person who has been convicted of a felony.7 See the Licensing of Gun Owners & Purchasers section for information about FOID cards.
* Any person who transfers a firearm must keep records of all such transfers for a period of 10 years.8 See the Retention of Sales & Background Checks Records section for more information.
* All firearms sellers must abide by statutory waiting periods.9

430 Ill. Comp. Stat. 65/3(a-10).

Id.

430 Ill. Comp. Stat. 65/3(a-15)(2).

430 Ill. Comp. Stat. 65/3(a-15)(1).

720 Ill. Comp. Stat. 5/24-3(A)(k).

430 Ill. Comp. Stat. 65/3(a-20).

430 Ill. Comp. Stat. 65/2(a)(1), (2); 430 Ill. Comp. Stat. 65/3(a); 430 Ill. Comp. Stat. 65/4; 720 Ill. Comp. Stat. 5/24-3(A)(d), (k), (C) (9).

430 Ill. Comp. Stat. 65/3(b).

720 Ill. Comp. Stat. 5/24-3(A)(g).

# 2. Background Check Procedures in Illinois: (Last updated December 11, 2019.)

a. Federal law requires federally licensed firearms dealers (but not private sellers) to initiate a background check on the purchaser prior to sale of a firearm. Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the federal National Instant Criminal Background Check System (“NICS”) database. (Note that state files are not always included in the federal database.)

b. Illinois is a point of contact state for the NICS.1 Federally licensed firearms dealers in the state are required to contact the Illinois Department of State Police (“DSP”) for a background check before transferring any firearm.2 The DSP searches its criminal history record information files, the FBI and NICS databases, and the files of the Department of Human Services relating to mental health and developmental disabilities to verify that prospective purchasers are not prohibited from possessing a firearm.3 The DSP must approve the transfer or inform the dealer of the applicant’s ineligibility within the waiting periods set forth by state law, which are 24 hours for long guns and 72 hours for handguns.4 (Note, however, that effective June 2019, the waiting period will be 72 hours for all firearms).5

c. Illinois requires DSP to report to local law enforcement the name and address of any person who attempts to purchase a firearm who is disqualified from doing so.6

d. Except at gun shows, unlicensed gun sellers (i.e., people who do not have a federal firearms dealer license) are not required to conduct background checks in Illinois, but all sellers must be presented with a prospective purchaser’s Firearm Owner’s Identification card.7 Additionally, with limited exceptions, an unlicensed seller who seeks to transfer a firearm to an unlicensed purchaser is generally required to contact the Department of State Police (DSP) with the transferee’s Firearm Owner’s Identification (FOID) Card number to determine the validity of the transferee’s FOID Card prior to transferring the gun.8 Federal and state purchaser prohibitions also apply to private firearms transfers.

Federal Bureau of Investigation, National Instant Criminal Background Check System Participation Map, at http://www.fbi.gov/about-us/cjis/nics/general-information/participation-map.

430 Ill. Comp. Stat. 65/3.1.

430 Ill. Comp. Stat. 65/3.1.

430 Ill. Comp. Stat. 65/3.1; 720 Ill. Comp. Stat. 5/24-3(A)(g).

See 2017 IL S 3256, enacted in 2018.

430 Ill. Comp. Stat. 65/3.3.

430 Ill. Comp. Stat. 65/3(a).

430 Ill. Comp. Stat. 65/3(a-10).

# 3. Mental Health Reporting in Illinois (Last updated December 11, 2019.)

a. Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”[1](https://lawcenter.giffords.org/mental-health-reporting-in-illinois/#footnote_0_715) No federal law, however, requires states to report the identities of these individuals to the National Instant Criminal Background Check System (“NICS”) database, which the FBI uses to perform background checks prior to firearm transfers.

b. Illinois requires the Illinois Department of State Police (“DSP”) and the Illinois Department of Human Services to enter into a memorandum of understanding with the FBI for the purpose of implementing NICS.2 The DSP must report the name, date of birth, and physical description of any person prohibited from possessing a firearm pursuant to Illinois or federal law to the NICS Denied Persons File.[3](https://lawcenter.giffords.org/mental-health-reporting-in-illinois/#footnote_2_715) Court clerks, the Department of Human Services, and all public or private hospitals and mental health facilities are required to inform the DSP of any such individual.4 The information disclosed is deemed privileged and confidential, and must be provided in such a way as to guarantee that no information is released beyond what is necessary to determine the eligibility of the person to possess a firearm.5

c. When a person has been adjudicated as a “mentally disabled person” under state law, the court must notify the Department of State Police within seven days, and DSP must notify NICS.6 This includes adjudications made by a state probate court.7  Illinois enacted a law in 2016 that requires courts to notify DSP every six months if no person has been adjudicated as a person with a mental disability by the court or if no person has been involuntarily admitted to a mental institution.8

d. A law adopted in 2013 requires certain school administrators and law enforcement officials to report to the Department of State Police within 24 hours when a person or student is determined to pose a “clear and present danger” to himself, herself, or to others.9  Similarly, if a physician, clinical psychologist, or qualified examiner determines that a person poses a clear and present danger to self or others, or to be “developmentally disabled,” the professional must report this person to the Department of Human Services within 24 hours, and this Department must transfer this information to DSP.10 If a law enforcement officer determines that any person poses a clear and present danger to self or others, the officer must report this person to DSP within 24 hours.  All this information remains confidential and must not be redisclosed beyond what is necessary to determine the eligibility of the person to possess a firearm. Those who report information in compliance with this law may not be held criminally, civilly, or professionally liable for making such reports, except for wanton or willful misconduct.11

e. Regarding the use of mental health-related information, Illinois requires that an applicant for a FOID card sign a release that waives confidentiality and authorizes disclosure of his or her mental health information for the sole purpose of determining whether the applicant is or was a patient in a mental health institution and thus disqualified on that basis from receiving a FOID card.12 No mental health care or treatment records may be requested, and this information must be destroyed within one year of receipt.13

f. Illinois law provides a procedure for individuals subject to the federal prohibition against firearm possession by the mentally ill to request the State Police for relief from that prohibition.  If relief is granted, the Director of the State Police must, as soon as practicable but in no case later than 15 business days, update, correct, modify, or remove the person’s record in any database that the Department of State Police makes available to NICS.14

18 U.S.C. § 922(g)(4).

430 Ill. Comp. Stat. 65/3.1(e)(2).

Id.

740 Ill. Comp. Stat. 110/12(b); 430 Ill. Comp. Stat. 65/8.1(b).

740 Ill. Comp. Stat. 110/12(b).

405 Ill. Comp. Stat. 5/6-103.1.

Id.; 755 Ill. Comp. Stat. 5/11a-24.

430 Ill. Comp. Stat. 65/8.1(b-1) as added by 2015 Ill. S.B. 2213.

405 Ill. Comp. Stat. 6-103.3.

740 Ill. Comp. Stat. 110/12(b); 430 Ill. Comp. Stat. 65/8.1(d); 405 Ill. Comp. Stat. 5/6-103.2-103.3.

430 Ill. Comp. Stat. 66/105; 405 Ill. Comp. Stat. 5/6-103.3; 430 Ill. Comp. Stat. 65/8.1.

430 Ill. Comp. Stat. 65/4(a)(3).

Id.

430 Ill. Comp. Stat. 65/10(f).

### B. Owner Responsibilities

**1. Licensing in Illinois.** (Last updated JULY 30, 2020.)

a. Illinois law provides that no person may acquire or possess any firearm or ammunition without a valid Firearm Owner’s Identification (“FOID”) card.1 Persons who hold valid permits to carry concealed handguns, however, are exempt from this requirement.2 Illinois law also prohibits any person from knowingly selling firearms or ammunition to an individual who does not present a FOID card or a valid permit to carry a concealed handgun.3

b. Each applicant for a FOID card is required to complete an application and “submit evidence” to the Illinois Department of State Police (“DSP”) that she or he is 21 years of age or over (or, if under 21, show that she or he has the written consent of a parent or legal guardian to possess firearms), is a resident of Illinois, and is not a prohibited purchaser.4 An applicant must also furnish his or her photograph.5 The DSP conducts an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System (“NICS”), and of the files of the state Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid FOID card.6

c. The DSP has the authority to revoke a FOID card if the holder becomes a prohibited purchaser.7

d. If an application for a FOID card is denied, or if the Department of State Police fails to act on an application within 30 days of its receipt, or when a FOID card is revoked, the aggrieved party may appeal to the Director of State Police for a hearing, unless the denial or revocation was based on a number of serious offenses including a forcible felony, stalking, domestic battery, and violations of the Controlled Substances Act.8 All final administrative decisions regarding FOID cards by the Department of State Police are subject to judicial review under the Administration Review Law.9

e. Illinois does not impose a limit on the number of firearms that may be purchased by the holder of a FOID card.

f. With certain limited exceptions, any private (unlicensed) seller of a firearm who seeks to transfer a firearm to any unlicensed purchaser must, prior to transfer, contact the Department of State Police (DSP) with the transferee’s Firearm Owner’s Identification (FOID) Card number to determine the validity of the transferee’s FOID Card.10

**A. Disclosure or Use of Information**

a. Under a law enacted in Illinois in 2011, the names and identifying information of applicants for, and recipients of, FOID cards are no longer public information.11

**B. Duration and Renewal**

a. FOID cards are valid for a period of ten years from the date of issue.12 Sixty days prior to the expiration of a FOID card, the DSP must provide written notice to the card holder of the expiration and an application for renewal.13 The holder of a FOID card is obligated to notify the DSP of an address change following the issuance of the FOID card.14

**C. Reciprocity**

a. An Illinois resident with a valid FOID card who is not otherwise prohibited from obtaining, possessing or using a firearm may purchase a long gun and ammunition for a long gun in Iowa, Missouri, Indiana, Wisconsin or Kentucky.15 Any resident of Iowa, Missouri, Indiana, Wisconsin or Kentucky or a non-resident with a valid non-resident hunting license, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his or her domicile, or the United States from obtaining, possessing or using a firearm, may purchase or obtain a long gun or ammunition for a long gun in Illinois.16

b. Any resident may purchase ammunition from a person outside of Illinois, provided the purchaser provides the seller with a copy of his or her FOID card and Illinois driver’s license.17

430 Ill. Comp. Stat. 65/2(a)(1), (2).

430 Ill. Comp. Stat. 65/2(c)(5).

430 Ill. Comp. Stat. 65/3(a); 720 Ill. Comp. Stat. 5/24-3(A)(k).

430 Ill. Comp. Stat. 65/4(a).

Id.

430 Ill. Comp. Stat. 65/3.1(b).

430 Ill. Comp. Stat. 65/8.

430 Ill.Comp. Stat. 65/10(a).

430 Ill. Comp. Stat. 65/11.

430 Ill. Comp. Stat. 65/3(a-10).

5 Ill. Comp. Stat. 140/7.5(v).

430 Ill. Comp. Stat. 65/7.

430 Ill. Comp. Stat. 65/13.2.

Id.

430 Ill. Comp. Stat. 65/3a(a).

430 Ill. Comp. Stat. 65/3a(b).

430 Ill. Comp. Stat. 65/3(b-5).

# 2. Registration in Illinois: (Last updated December 11, 2019.)

a. Illinois does not require firearm owners to register their firearms.

# 3. Reporting Lost & Stolen Guns in Illinois: (Last updated December 11, 2019.)

a. Any Firearm Owner’s Identification (FOID) Card owner who loses his or her firearm or has his or her firearm stolen must report the loss or theft to his or her local law enforcement agency within 72 hours after he or she knows of the loss or theft.1

b. This requirement does not apply if:2

* Failure to report is due to an act of God, act of war, or inability of a law enforcement agency to receive the report;
* The person is hospitalized, in a coma, or is otherwise seriously physically or mentally impaired as to prevent the person from reporting; or
* The person’s designee makes a report if the person is unable to make the report.

c. The relevant law enforcement agency must take a written report of the loss or theft and must, as soon as practical, enter the firearm’s serial number as stolen into the Law Enforcement Agencies Data System (LEADS).3

720 Ill. Comp. Stat. 5/24-4.1(a).

720 Ill. Comp. Stat. 5/24-4.1(c).

720 Ill. Comp. Stat. 5/24-4.1(b).

### C. Hardware & Ammunition

# 1. Assault Weapons in Illinois: (Last updated December 11, 2019.)

a. Illinois has no law restricting assault weapons.

b. However, some local jurisdictions within the state, such as the City of Highland Park, have enacted local ordinances that restrict the possession and sale of assault weapons.1

*1NOTES: See, e.g.,*Highland Park City Code, Chapter 136.

# 2. Large Capacity Magazines in Illinois. (Last updated December 11, 2019.)

Illinois has no law restricting large capacity magazines.

# 3. Ammunition Regulation in Illinois. Last updated December 11, 2019.

**a. License to Sell Ammunition**

Illinois does not require ammunition sellers to obtain a license or maintain records of ammunition purchasers.

**b. License to Purchase/Possess Ammunition**

Illinois requires residents to obtain a Firearm Owner’s Identification (“FOID”) card before they can lawfully purchase or possess ammunition.1 No person may transfer firearm ammunition in Illinois unless the transferee displays a currently valid FOID card.2

Any resident purchasing ammunition outside the state must provide the seller with a copy of his or her valid FOID card and either his or her Illinois driver’s license or Illinois State Identification card prior to the shipment of the ammunition. The ammunition may be shipped only to an address on either of those two documents.3

**c. People Prohibited from Purchasing or Possessing Ammunition**

Illinois prohibits the purchase or possession of ammunition by the same categories of people who are ineligible to purchase or possess firearms under state law.4

Federal ammunition purchaser prohibitions also apply.

**d. Minimum Age to Purchase or Possess Ammunition**

Illinois generally prohibits persons under age 21 from obtaining a FOID card, which is required to purchase or possess ammunition.5 A person under age 21 must have the written consent of a parent or legal guardian to purchase ammunition.6

**e. Safe Storage of Ammunition**

Illinois does not generally require firearm owners to safely store ammunition. However, ammunition kept or stored in child day care facilities, foster homes or similar locations must be kept in locked storage separate from firearms and inaccessible to children.7

**f. Regulation of Unreasonably Dangerous Ammunition**

Illinois prohibits the knowing manufacture, sale, purchase, possession, or carrying of any armor-piercing bullet, dragon’s breath shotgun shell, bolo shell, or flechette shell.8

Illinois also bans the knowing manufacture, sale, offer of sale, or other transfer of any bullet or shell which is represented to be an armor piercing bullet, a dragon’s breath shotgun shell, a bolo shell, or a flechette shell.9

Illinois prohibits the reckless use or discharge of an armor-piercing bullet, flechette shell, dragon’s breath shell or bolo shell.10 The state also prohibits the possession, concealed on or about the person, of an armor piercing bullet, dragon’s breath shotgun shell, bolo shell, or flechette shell.11

Illinois prohibits the sale, manufacture or acquisition and possession of exploding ammunition.12 “Explosive bullet” means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. “Cartridge” means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.13

Federal law also prohibits certain kinds of armor-piercing ammunition.

##### Notes

430 Ill. Comp. Stat. 65/2(a)(2).

430 Ill. Comp. Stat. 65/3(a).

430 Ill. Comp. Stat. 65/3(b-5).

See 430 Ill. Comp. Stat. 65/2(a)(2), 430 Ill. Comp. Stat. 65/4, 430 Ill. Comp. Stat. 65/8.

430 Ill. Comp. Stat. 65/2(a)(2); 430 Ill. Comp. Stat. 65/4(a)(2)(i).

430 Ill. Comp. Stat. 65/4(a)(2). Federal age restrictions for the purchase and possession of ammunition also exist.

225 Ill. Comp. Stat. 10/7(a)(14).

720 Ill. Comp. Stat. 5/24-2.1(a). “Armor piercing bullet” means any handgun bullet or handgun ammunition with projectiles or projectile cores constructed entirely (excluding the presence of traces of other substances) from tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium, or fully jacketed bullets larger than 22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25% of the total weight of the projectile, excluding those handgun projectiles whose cores are composed of soft materials such as lead or lead alloys, zinc or zinc alloys, frangible projectiles designed primarily for sporting purposes. “Dragon’s breath shotgun shell” means any shotgun shell that contains exothermic pyrophoric mesh metal as the projectile and is designed for the purpose of throwing or spewing a flame or fireball to simulate a flame-thrower. “Bolo shell” means any shell that can be fired in a firearm and expels as projectiles two or more metal balls connected by solid metal wire. “Flechette shell” means any shell that can be fired in a firearm and expels two or more pieces of fin-stabilized solid metal wire or two or more solid dart-type projectiles. Id.

720 Ill. Comp. Stat. 5/24-2.2.

720 Ill. Comp. Stat. 5/24-3.2(a), (b).

720 Ill. Comp. Stat. 5/24-3.2(c).

720 Ill. Comp. Stat. 5/24-1(a)(11); 720 Ill. Comp. Stat. 5/24-3.1(a)(6).

720 Ill. Comp. Stat. 5/24-3.1(a)(6).

# 4. Machine Guns & Automatic Firearms in Illinois: Last Updated: SEPTEMBER 4, 2020

##### Illinois prohibits the knowing sale, manufacture, purchase, possession or carrying of a machine gun.1 Illinois defines a machine gun as “any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon.” Any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled, also constitutes a machine gun for purposes of these prohibitions.2

##### Federal law requires machine guns to be registered with the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), and generally prohibits the transfer or possession of machine guns manufactured after May 19, 1986.3 In December 2018, ATF finalized a rule to include bump stocks within the definition of a machine gun subject to this federal law, meaning that bump stocks will be generally banned as of March 26, 2019.4

##### Notes

720 Ill. Comp. Stat. 5/24-1(a)(7)(i).

Id.

18 U.S.C. § 922(o); 26 U.S.C. § 5861(d).

Bump-Stock-Type Devices, 83 Fed. Reg. 66,514 (Dec. 26, 2018) (to be codified at 27 C.F.R. pts. 447, 478, 479).

### 5. Fifty Caliber Rifles in Illinois (Last Updated: JULY 28, 2020)

### Illinois has no law restricting fifty caliber rifles.

### D. Who Can Have a Gun

# 1. Firearm Prohibitions: Last Updated SEPTEMBER 4, 2020

Federal law prohibits certain persons from purchasing or possessing firearms, such as felons, certain domestic abusers, and certain people with a history of mental illness.

In Illinois, a person must generally have a valid Firearm Owner’s Identification (“FOID”) card, issued by the Illinois Department of State Police (“DSP”) in order to acquire or possess any firearm or ammunition.[1](https://lawcenter.giffords.org/categories-of-prohibited-people-in-illinois/#footnote_0_705) The FOID card licensing process is designed to identify persons who, for various reasons public safety concerns, are not qualified to acquire or possess firearms or ammunition.[2](https://lawcenter.giffords.org/categories-of-prohibited-people-in-illinois/#footnote_1_705)

Illinois law authorizes DSP to deny, or revoke and seize, a FOID card if the DSP finds that the current or prospective card holder is (or was at the time of issuance) subject to any of the following disqualifications:

* A person under 21 years of age who has been convicted of a misdemeanor (other than a traffic offense) or adjudged delinquent, or who does not have the written consent of his or her parent or guardian to acquire and possess firearms and ammunition, or whose parent or guardian has revoked such written consent, or whose parent or guardian does not qualify to have a FOID card;
* A person who has been convicted of a felony under the laws of Illinois or any other jurisdiction;
* Addicted to narcotics;
* A patient of a mental health facility within the past five years, or a patient in a mental health facility more than 5 years ago (“patient” is defined to include a person who was an inpatient or resident of a mental health facility or a person who received outpatient treatment if he or she was determined to present a clear and present danger[3](https://lawcenter.giffords.org/categories-of-prohibited-people-in-illinois/#footnote_2_705) ) if that person has not received certification by a physician, clinical psychologist, or qualified examiner after a mental health evaluation that he or she is not a clear and present danger to self or others;
* A person who has been adjudicated as mentally disabled (defined in numerous ways)[4](https://lawcenter.giffords.org/categories-of-prohibited-people-in-illinois/#footnote_3_705);
* A person whose mental condition (meaning a state of mind manifested by violent, suicidal, threatening, or assaultive behavior) is of such a nature that it poses a clear and present danger to self, others, or the community[5](https://lawcenter.giffords.org/categories-of-prohibited-people-in-illinois/#footnote_4_705) See our page on Mental Health Reporting in Illinois for details about how this determination is made.);
* A person who is intellectually disabled (defined by Illinois law as having “significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years”6);
* A person who has been found to be developmentally disabled;
* A person involuntarily admitted into a mental health facility;
* A person who intentionally made a false statement on the FOID card application;
* An alien unlawfully present in the United States under the laws of the United States;
* An alien admitted to the United States under a non-immigrant visa (subject to certain exceptions, including aliens admitted to the U.S. under a non-immigrant visa for lawful hunting or sporting purposes, official representatives of foreign governments, and foreign law enforcement officers in the U.S. on official business);
* A person convicted within the past five years of battery, assault, aggravated assault, violation of a protection order, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;
* A person convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction;
* Prohibited from acquiring or possessing firearms or ammunition by any Illinois state statute or federal law;
* A minor subject to a juvenile petition alleging that he or she is a delinquent minor for the commission of an offense that if committed by an adult would be a felony; or
* An adult who had been adjudicated a delinquent minor for the commission of an offense that if committed by an adult would be a felony.7
* A person who is not a resident of the State of Illinois, with limited exceptions for law enforcement officers, security officers, or military personnel permanently assigned in Illinois.8

In addition, DSP must deny an application for, or revoke and seize, a FOID card, if DSP finds that the applicant or cardholder is or was at the time of issuance subject to a firearm-prohibiting protective order, including a Firearms Restraining Order.9  (Illinois refers to extreme risk protection orders as “Firearms Restraining Orders” or FROs).

As a condition of probation or conditional discharge, Illinois law also requires a person convicted of a felony or misdemeanor involving the intentional or knowing infliction or threat of bodily harm to refrain from possession of a firearm or other dangerous weapon.10 A court may, at its discretion, impose this same condition on a person convicted of a non-violent misdemeanor.11

Firearm transfers by unlicensed sellers (non-firearms dealers) are not subject to background checks in Illinois, except at gun shows, although unlicensed sellers are generally required to contact DSP to confirm the validity of a purchaser’s FOID card.

##### Notes

430 Ill. Comp. Stat. 65/2(a)(1), (2).

430 Ill. Comp. Stat. 65/1.

430 Ill. Comp. Stat. 65/1.1.

See 430 Ill. Comp. Stat. 65/1.1.

“Clear and present danger” means a person who: (1) communicates a serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to self or others; or (2) demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior. 430 Ill. Comp. Stat. 65/1.1.

405 Ill. Comp. Stat. 5/1-116.

430 Ill. Comp. Stat. 65/8.

430 Ill. Comp. Stat. 65/8(q). Law enforcement and military officers subject to the limited exception must furnish a driver’s license or state identification card number from their state of residence to DSP.

430 Ill. Comp. Stat. 65/8.2.

730 Ill. Comp. Stat. 5/5-6-3(a)(3).

730 Ill. Comp. Stat. 5/5-6-3(b)(18).

# 2. Domestic Violence & Firearms in Illinois (Last Updated JULY 28, 2020)

a. Illinois requires that a person have a Firearm Owner’s Identification (“FOID”) card to purchase or possess firearms or ammunition.1 An applicant will be denied a FOID card, and a holder of a previously-issued FOID card will have his or her card revoked and seized, if he or she:

* Was convicted within the past five years for battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;2 or
* Has ever been convicted of domestic battery or aggravated domestic battery in Illinois or a substantially similar offense in another jurisdiction.3

b. Under Illinois law, a person commits domestic battery if he or she knowingly, without legal justification: (1) causes bodily harm to a family or household member, or (2) makes physical contact of an insulting or provoking nature with a family or household member.4 “Family or household members” include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and certain caregivers.5 A person commits aggravated domestic battery if, in committing domestic battery, he or she intentionally or knowingly cause great bodily harm, permanent disability, or disfigurement.6

c. In addition to the aforementioned prohibitions, a FOID card will be denied or revoked if the applicant or cardholder is prohibited from acquiring or possessing firearms or ammunition by federal law.7 ***Federal law*** prohibits the purchase and possession of firearms and ammunition by anyone convicted of a “misdemeanor crime of domestic violence.”8 Illinois law provides a procedure for determining whether certain crimes qualify as “misdemeanor crimes of domestic violence” for purposes of federal law.9 When a person is charged with a crime that may qualify, the state may serve notice on the defendant alleging that a conviction would subject defendant to the federal firearm prohibitions.10 The defendant may admit that the conviction would subject him or her to the federal prohibitions or, if the defendant says nothing or denies the claim, the state bears the burden of proving to the court beyond a reasonable doubt that the offense is one that would constitute a “misdemeanor crime of domestic violence” under federal law.11

d. If, under the procedures outlined above, a court determines that a person has been convicted of a “misdemeanor crime of domestic violence” that would disqualify him or her from purchasing or possessing firearms under federal law, then the court clerk must notify the Department of State Police Firearm Owner’s Identification Card Office who will then report that determination to the FBI.12

e. In Illinois, upon conviction of domestic battery or aggravated domestic battery, the court must advise the defendant orally or in writing that, “[a]n individual convicted of domestic battery [or aggravated domestic battery] may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition in violation of the federal Gun Control Act of 1968 (18 U.S.C. § 922(g)(8) and (9)).”13

**I. Firearm Prohibitions for Persons Subject to Domestic Violence Restraining/Protective Orders**

a. Illinois law provides that a person who is subject to an existing order of protection, interim order of protection, emergency order of protection, or plenary order of protection issued under the Code of Criminal Procedure may not lawfully possess weapons under the Firearm Owners Identification Card Act.14

b. In  addition, a court may issue a civil order under the Illinois Domestic Violence Act prohibiting a person from possessing firearms if that person is subject to a protection order meeting the following criteria:

* the order was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
* the order restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
* the order (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.15

c. However, a court may issue a civil emergency protective order prohibiting a person from possessing firearms without giving notice to the subject of the order if the court determines that the harm posed by the subject’s continued possession of firearms would be likely to occur if the subject was given notice of the petitioner’s efforts to obtain judicial relief.16

d. The Illinois Department of State Police (“DSP”) must deny an application for, or revoke and seize, a FOID card (thereby prohibiting such person from purchasing or possessing a firearm or ammunition), if DSP finds that the applicant or cardholder is or was at the time of issuance subject to an existing order of protection.17 Prior to receiving a FOID card, an applicant must prove that he or she is not subject to an existing order of protection prohibiting him or her from possessing a firearm or ammunition.18

e. A court that is issuing a “stalking no contact order” may also prohibit the defendant from possessing a FOID card or from possessing or purchasing firearms.19 In such a situation, the court must confiscate the subject’s FOID card and immediately return the card to DSP.20

**II. Removal or Surrender of Firearms Upon Conviction for a Domestic Violence Misdemeanor**

A person convicted of a crime that qualifies, pursuant to the procedures established by Illinois law,21 as a “misdemeanor crime of domestic violence” under federal law must physically surrender his or her FOID card and any and all firearms in his or her possession at a time and place designated by the court. The court must return the person’s FOID card to DSP.22

**III. Removal or Surrender of Firearms When Domestic Violence Restraining/Protective Orders Are Issued**

a. If a domestic violence protection order issued under the Illinois Domestic Violence Act prohibits a respondent from possessing firearms, any FOID card in the respondent’s possession must be ordered by the court to be turned over to a local law enforcement agency, which must then mail the FOID card to DSP for safekeeping. The court must also issue a warrant for the seizure of any firearm in respondent’s possession, to be kept by local law enforcement for safekeeping.23 If the protective order is issued pursuant to the Illinois Code of Criminal Procedure, the court must order that any firearms in respondent’s possession be turned over to a person with a valid FOID card.24 Removal and surrender procedures under the Illinois Code of Criminal Procedure are otherwise identical to those contained in the Illinois Domestic Violence Act.  The period of safekeeping must be equivalent to the duration of the order and any firearms and respondent’s FOID card, if unexpired, must be returned to the respondent at the time the order of protection expires.25

b. Upon expiration of the period of safekeeping, if the firearms or FOID card cannot be returned to respondent because respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the agency to destroy the firearms, use the firearms for training purposes or for any other application as deemed appropriate by the agency, or turn the guns over to a third party lawfully eligible to possess firearms who does not reside with respondent.26

c. Protective orders prohibiting firearm possession under the Illinois Domestic Violence Act are available to the following persons:

* Any person abused by a family or household member;
* Any high-risk adult with disabilities who is abused, neglected, or exploited by a family or household member;
* Any minor child or dependent adult in the care of such person; and
* Any person residing or employed at a private home or public shelter which is housing an abused family or household member.27

**IV. Removal or Surrender of Firearms at the Scene of a Domestic Violence Incident**

Illinois requires law enforcement to seize and remove firearms at the scene of a domestic violence incident only if there is probable cause to believe that the particular firearms were used to commit the incident of abuse.28 A firearm must be returned to its owner when no longer needed as evidence.29

##### Notes

430 Ill. Comp. Stat. 65/2(a)(1), (2).

430 Ill. Comp. Stat. 65/4(a)(2)(viii); 430 Ill. Comp. Stat. 65/8(k).

430 Ill. Comp. Stat. 65/4(a)(2) (ix); 430 Ill. Comp. Stat. 65/8(l).

720 Ill. Comp. Stat. 5/12-3.2(a)(1)(2).

725 Ill. Comp. Stat. 5/112A-3(3).

720 Ill. Stat. Comp. Stat. 5/12-3.3(a).

430 Ill. Comp. Stat. 65/8(n).

18 U.S.C. § 922(g)(9).

725 Ill. Comp. Stat. 5/112A-11.1(a)-(c).

Id.

Id.

20 Ill. Comp. Stat. 2630/2.2; 725 Ill. Comp. Stat. 5/112A-11.2.

720 Ill. Comp. Stat. 5/12-3.2(d). A notation must be made in the court file that this admonition was given.

725 Ill. Comp. Stat. 5/112A-14(b)(14.5)(A).

750 Ill. Comp. Stat. 60/214(b)(14).

750 Ill. Comp. Stat. 60/217(3)(i).

430 Ill. Comp. Stat. 65/8.2.

430 Ill. Comp. Stat. 65/4(a)(2)(vii).

740 Ill. Comp. Stat. 21/80(b)(4).

740 Ill. Comp. Stat. 21/80(e).

725 Ill. Comp. Stat. 5/112A-11.1(a)-(c).

730 Ill. Comp. Stat. 5/5-6-3(a)(9).

750 Ill. Comp. Stat. 60/214(b)(14)(a).

725 Ill. Comp. Stat. 5/112A-14(b)(14.5)(B).

Id.

725 Ill. Comp. Stat. 5/112A-14(b)(14.5)(D); 750 Ill. Comp. Stat. 60/214(b)(14)(c).

725 Ill. Comp. Stat. 5-112A-4; 750 Ill. Comp. Stat. 60/201(a).

725 Ill. Comp. Stat. 5/112A-30(a)(2); 750 Ill. Comp. Stat. 60/304(a)(2).

725 Ill. Comp. Stat. 5/112A-30(c); 750 Ill. Comp. Stat. 60/304(c).

# 3. Extreme Risk Protection Orders in Illinois

Last updated December 16, 2019.

a. In 2018, Illinois enacted the Firearms Restraining Order Act.1 Effective since January 1, 2019, this law now authorizes a person’s family or household members,2 as well as law enforcement officers, to petition a circuit court for a civil order preventing a dangerous person from accessing firearms for up to six months.

b. In order to obtain a Firearms Restraining Order (FRO), the petitioner must file an affidavit or verified petition with the circuit court in the county where the respondent resides alleging that the respondent poses a significant danger of causing personal injury to self or others in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm. 3 In most cases, the court is required to hold a hearing on the matter within 30 days.

c. If the judge concludes that there is “clear and convincing evidence” that the respondent is a significant danger with firearms, the court will issue a 6-month FRO prohibiting the respondent from possessing or receiving firearms for the duration of the order.4  If the court issues an FRO, it must also order the respondent to temporarily transfer to local law enforcement any firearms, FOID Card, or concealed carry license in his or her possession.5

d. In urgent cases, petitioners can request an emergency FRO by filing an affidavit or verified pleading with the court alleging that the respondent poses an “immediate and present danger” of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm.6  In such cases, courts are required to hold an ex parte hearing (without waiting for the respondent to receive notice of the hearing) on the same day the emergency petition is filed or the next day the court is in session.7  If the judge finds probable cause to believe a respondent poses an immediate and present danger of causing personal injury to self or others with firearms, the judge will issue an emergency FRO, which generally lasts for up to 14 days.8 If the court also finds probable cause that the respondent already possesses firearms, the court is also required to issue a search warrant directing a law enforcement agency to seize the respondent’s firearms. The court may, as part of that warrant, direct the law enforcement agency to search the respondent’s residence and other places where the court finds there is probable cause to believe he or she is likely to possess the firearms.9

e. Upon termination of the FRO, law enforcement holding any of the respondent’s weapons will return them to the respondent after performing a background check to ensure the respondent is legally permitted to possess firearms.

f. This law provides a standard process for respondents to request that an FRO be lifted and for petitioners to request that the FRO be renewed and extended by six months.10

g. Illinois law makes it a crime to knowingly present false information in an FRO petition.11

##### Notes

See 2017 IL HB 2354

The Firearms Restraining Order Act defines eligible petitioners to include either a law enforcement officer or a “family member” of the respondent. The Act defines “family member” for these purposes to mean “a spouse, parent, child, or step-child of the respondent, any other person related by blood or present marriage to the respondent, or a person who shares a common dwelling with the respondent.” See Id., Section 5 (“Definitions”).

Id., Section 40(a).

In considering whether to issue a 6-month FRO, the court shall consider evidence including, but not limited to, the following:

(1) The unlawful and reckless use, display, or brandishing of a firearm by the respondent.

(2) The history of use, attempted use, or threatened use of physical force by the respondent against another person.

(3) Any prior arrest of the respondent for a felony offense.

(4) Evidence of the abuse of controlled substances or alcohol by the respondent.

(5) A recent threat of violence or act of violence by the respondent directed toward himself, herself, or another.

(6) A violation of an emergency order of protection issued under Section 217 of the Illinois Domestic Violence Act of 1986 or Section 112A-17 of the Code of Criminal Procedure of 1963 or of an order of protection issued under Section 214 of the Illinois Domestic Violence Act of 1986 or Section 112A-14 of the Code of Criminal Procedure of 1963.

(7) A pattern of violent acts or violent threats, including, but not limited to, threats of violence or acts of violence by the respondent directed toward himself, herself, or another.

See Id., Section 40(e).

Id., Section 35(g) and 40(h).

Id., Section 35.

Id., Section 35(d), (e).

Id., Section 35(i).

Id., Section 35(f), (f-5).

See id., Section 45.

See id., Section 35(c) and 40(c).

# 4. Minimum Age to Purchase & Possess in Illinois

Last updated December 11, 2019.

Illinois prohibits any person under age 18 from possessing a handgun.1 State law also prohibits any person from knowingly transferring a handgun to any person under age 18.2

However, Illinois also prohibits individuals from possessing firearms if they do not hold a FOID card,3 and prohibits any person from knowingly transferring a firearm to a person who does not hold a FOID card.4

To obtain a FOID card, an individual must be over 21 years of age or have the written consent of his or her parent or legal guardian to possess and acquire any firearms and ammunition.5 Further, the parent or legal guardian must not be prohibited from obtaining a FOID card.6 Even with parental consent, persons under age 21 do not qualify for a FOID card if they have been convicted of a misdemeanor (other than a traffic offense) or adjudged delinquent.7

Federal law imposes additional restrictions

##### Notes

720 Ill. Comp. Stat. 5/24-3.1(a)(1).

720 Ill. Comp. Stat. 5/24-3(A)(a).

430 Ill. Comp. Stat. 65/2(a).

430 Ill. Comp. Stat. 65/3(a).

430 Ill. Comp. Stat. 65/4(a)(2)(i).

430 Ill. Comp. Stat. 65/4(a)(2)(i).

430 Ill. Comp. Stat. 65/4(a)(2)(i).

# 5. Disarming Prohibited People in Illinois

Last updated December 11, 2019.

a. In Illinois, gun owners are generally required to possess a Firearm Owner’s Identification (FOID) card. The Department of State Police has the authority to revoke or temporarily suspend a FOID card if the holder loses his or her eligibility to possess guns.1 A person who receives a revocation notice must:2

* Surrender his or her FOID card to the local law enforcement agency where the person resides. The local law enforcement agency must provide the person with a receipt and transfer the FOID card to the Department of State Police;
* Complete a Firearm Disposition Record form which must disclose the make, model, and serial number of each firearm owned by the person, the location where each firearm will be maintained during the prohibited term, and if any firearm will be transferred to another person, the name, address and FOID card number of the transferee. A copy of this form must be provided to the person whose FOID card has been revoked and to the Department of State Police.3

b. A violation of these requirements is a misdemeanor. If a person who receives a notice of revocation fails to comply with these requirements, the local law enforcement agency may petition the circuit court to issue a warrant to search for and seize the FOID card and firearms in the possession of that person.4

c. A separate provision of Illinois law states that, if a person is convicted of a felony and receives a sentence of probation or a conditional discharge, the person must physically surrender at a time and place designated by the court his or her Firearm Owner’s Identification Card and any and all firearms in his or her possession.5

d. If a person is charged with certain crimes, including forcible felony, stalking, domestic battery or any violations of the Illinois Controlled Substances Act, a condition of release on bail must be that the individual surrender all firearms in his or her possession to a law enforcement officer designated by the court and surrender his or her FOID card to the clerk of the circuit court.6 The court may forego this condition if the circumstances of the case do not clearly warrant it or when its imposition would be impracticable.7 If the FOID card is confiscated, the clerk of the circuit court must mail the confiscated card to the Illinois State Police.8 All legally possessed firearms must be returned to the person upon the charges being dismissed, or if the person is found not guilty (unless found not guilty by reason of insanity).9

**I. Firearm Seizure Act**

Illinois law provides that any person can bring a complaint before a circuit court that a person possessing a firearm or firearms has threatened to use a firearm illegally. If the court is satisfied that there is any danger of such illegal use of firearms, it must issue a warrant requiring the apprehension of the person for appearance before the court, and authorizing the seizure of any firearm in the person’s possession. The court must order any firearm taken from the person to be kept by the state for safekeeping for a stated period of time no longer than one year. The firearm or firearms must be returned to the person at the end of the stated period.10

**II. Domestic Violence Protective Orders**

For circumstances when the surrender of firearms are required pursuant to a court’s domestic violence protective order, see the “Removal or Surrender of Firearms When Domestic Violence Restraining/Protective Orders Are Issued” subsection of the Domestic Violence & Firearms in Illinois section.

**III. Admission to Mental Health Facilities**

Any mental hospital that admits a person as an inpatient pursuant to the Mental Health and Developmental Disabilities Code must confiscate any firearms in the possession of that person at the time of admission, or at any time the firearms are discovered in the person’s possession during the course of hospitalization.11 The hospital must, as soon as possible following confiscation, transfer custody of the firearms to the appropriate law enforcement agency, and give written notice to the person from whom the firearm was confiscated of the identity and address of the law enforcement agency to which it has given the firearm. The law enforcement agency must maintain possession of any firearm it obtains pursuant to this subsection for a minimum of 90 days, and then dispose of the firearm after that period pursuant to state law.12

##### Notes

430 Ill. Comp. Stat. 65/8 and 430 ILCS 65/8.3.

DSP must also send a notice of the revocation to all law enforcement agencies with jurisdiction to assist with the seizure of the person’s FOID card. 430 ILCS 65/3.1.

430 Ill. Stat. Comp. 65/9.5(a), (b).

430 Ill. Comp. Stat. 65/9.5(c), (d).

730 Ill. Comp. Stat. 5/5-6-3(a)(9).

725 Ill. Comp. Stat. 5/110-10(a)(5).

Id.

Id.

Id.

725 Ill. Comp. Stat. 165/0.01 et seq.

720 Ill. Comp. Stat. 5/24-6(c).

720 Ill. Comp. Stat. 5/24-6(c).

### E. Child & Consumer Safety

# 1. Child Access Prevention in Illinois

Last updated December 11, 2019.

a. Illinois prohibits any person from storing or leaving his or her firearm unlocked and accessible to a minor under the age of 14 if that person knows or has reason to believe that the minor under the age of 14 who does not have a Firearm Owner’s Identification (“FOID”) card is likely to gain access to the firearm and the minor causes death or great bodily harm with that firearm.1 This provision does not apply if the firearm is: 1) secured by a device, other than the firearm safety, designed to render the firearm temporarily inoperable; 2) placed in a securely locked box or container; or 3) placed in some other location that a reasonable person would believe to be secured from a minor under the age of 14.2 b. The prohibition also is inapplicable to any firearm obtained by a minor because of an unlawful entry of the premises by the minor or another person, or if the minor gains access to a firearm and uses it in a lawful act of self-defense or defense of another.3

c. When a minor under the age of 21 legally acquires a FOID card by obtaining the permission of a parent or guardian, that parent or guardian becomes liable for civil claims for damages resulting from the minor’s use of firearms or ammunition.4

##### Notes

720 Ill. Comp. Stat. 5/24-9(a).

Id.

720 Ill. Comp. Stat. 5/24-9(c).

430 Ill. Comp. Stat. 65/4(c).

# 2. Safe Storage in Illinois

Last updated December 11, 2019.

Illinois prohibits firearms dealers from selling or offering for sale a handgun unless the dealer includes with the handgun a device or mechanism, other than the firearm safety, designed to render the handgun temporarily inoperable or inaccessible.1 This may include an external device that is attached to the handgun with a key or combination lock, or an integrated mechanical safety, disabling or locking device. Federal law also applies. These requirements do not apply to sales by private sellers.2

##### Notes

720 Ill. Comp. Stat. 5/24-9.5(a).

Id.

# 3. Smart Guns in Illinois

Last updated December 11, 2019.

***Illinois does not require firearms to be personalized.***

# 4. Design Safety Standards in Illinois

Last updated December 11, 2019.

a. Illinois prohibits any federally licensed firearms dealer, manufacturer, importer, or pawnbroker from manufacturing, selling or delivering to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other non-homogeneous metal that will melt or deform at a temperature of less than 800 degrees Fahrenheit.[1](https://lawcenter.giffords.org/design-safety-standards-in-illinois/#footnote_0_748) This prohibition does not apply to private/secondary sales (i.e., transfers by non-firearms dealers).[2](https://lawcenter.giffords.org/design-safety-standards-in-illinois/#footnote_1_748)

b. In addition to the aforementioned statute regulating junk guns, the Illinois Attorney General may have the authority to regulate junk guns, as well as promulgate other firearms safety standards, pursuant to the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 Ill. Comp. Stat. 505/1 et seq. For further details, view the report “The Illinois Attorney General’s Authority to Promulgate Handgun Safety Regulations Under the Consumer Fraud and Deceptive Business Practices Act,” prepared by the Law Center to Prevent Gun Violence (formerly “Legal Community Against Violence,” and the Firearms Law Center, in collaboration with Illinois Lawyers of Legal Community Against Violence, the Chicago Lawyers’ Committee for Civil Rights Under Law, Inc. and the MacArthur Justice Center in 2003.[3](https://lawcenter.giffords.org/design-safety-standards-in-illinois/#footnote_2_748)

##### Notes

720 Ill. Comp. Stat. 5/24-3(A)(h).

Id.

For general information about the authority of state attorneys general to impose design safety standards on handguns, see Legal Action Project, Center to Prevent Handgun Violence, Targeting Safety (2001), at http://www.bradycenter.org/xshare/pdf/reports/targetingsafety.pdf.

# 5. Non-Powder & Toy Guns in Illinois

Last updated December 11, 2019.

a. Illinois treats certain non-powder guns as firearms, defining high-power and/or large caliber non-powder guns as firearms and thus making all purchase, possession and transfer requirements under state law applicable to these guns. Illinois excludes from the definition of firearms any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter or which has a maximum muzzle velocity of less than 700 feet per second or which expels breakable paint balls containing washable marking colors.1

b. Illinois law defines “air rifle” to mean an air gun, air pistol, spring gun, spring pistol, BB gun, paint ball gun, pellet gun, or any implement that is not a firearm which impels a breakable paint ball containing washable marking colors or, a pellet constructed of hard plastic, steel, lead, or other hard materials with  force that reasonably is expected to cause bodily harm.2 Illinois prohibits anyone from selling or otherwise transferring air rifles to anyone under the age of 13, where the seller knows or has cause to believe that the person is under 13 years of age or where the seller failed to make reasonable inquiry into the age of the person.3 This does not apply to transfers taking place between parent and child, teacher and pupil, or guardian and ward.4 Nor do these provisions apply to sales: 1) by wholesale dealers or jobbers; 2) to be shipped out of the state; or 3) to be used at a target range operated in accordance with state law or by members of the Armed Services of the United States or Veterans’ organizations.5

c. In Illinois it is illegal for any person to discharge any air rifle from or across any street, sidewalk, road, highway, or public land or public place except on a safely constructed target range.6 It is also illegal for a person under 13 years of age to carry any air rifle on public streets or lands unless the person carries the air rifle unloaded.7 A person under 13 is allowed to possess an air rifle if it is:

* Kept within his or her house of residence or other private enclosure;
* Used by a person who is a duly enrolled member of any club or team which maintains as part of its facilities or has written permission to use an indoor or outdoor rifle range under the supervision of a responsible adult; or
* Used on private grounds under circumstances so that, when it is fired, it will not endanger persons or property.8

d. The above regulations do not invalidate any ordinances enacted by a local municipality within the state which imposes greater restrictions or limitations with respect to the sale, purchase, use, or possession of air rifles.9

##### Notes

430 Ill. Comp. Stat. 65/1.1.

720 Ill. Comp. Stat. 5/24.8-0.1.

720 Ill. Comp. Stat. 5/24.8-1.

Id.

720 Ill. Comp. Stat. 5/24.8-4.

720 Ill. Comp. Stat. 5/24.8-2

Id.

720 Ill. Comp. Stat. 5/24.8-3.

720 Ill. Comp. Stat. 5/24.8-6.

### F. CRIME GUNS

### 1. Trafficking and Straw Purchases Last Updated: SEPTEMBER 4, 2020

### Illinois prohibits any person from:

### i. Knowingly purchasing or attempting to purchase a firearm with the intent to deliver that firearm to another person who is prohibited by federal or State law from possessing a firearm.1

### ii. Intentionally providing false or misleading information on a Bureau of Alcohol, Tobacco, Firearms and Explosives transaction record to purchase or attempt to purchase a firearm.2

### iii. Forging or materially altering a Firearm Owner’s Identification (“FOID”) card, as well as the knowing possession of a forged or materially altered FOID card with intent to use it to purchase firearms and ammunition.3

### iv. Knowingly or intentionally altering, changing, removing or obliterating the name of the importer’s or manufacturer’s serial number on any firearm.4 Possession of a firearm upon which any such importer’s or manufacturer’s serial number has been changed, altered, removed or obliterated is also prohibited.5

### v. Delivering a firearm, while not being entitled to the possession of the firearm, knowing it to have been stolen or converted.6

### Illinois also enacted a law in 2016 that explicitly criminalizes “firearms trafficking” but defines this term very narrowly. Under the new law, a person commits firearms trafficking if he or she does not have a valid Firearm Owner’s Identification Card and he or she brings, or causes to be brought, into Illinois, a firearm or firearm ammunition for the purpose of sale, delivery, or transfer to any other person or with the intent to sell, deliver, or transfer the firearm or firearm ammunition to any other person. The law exempts a non-resident who may lawfully possess a firearm in his or her resident state.7

### Gun Tracing in Illinois

### Firearm tracing involves the systematic tracking of firearms from manufacturer to purchaser for the purpose of aiding law enforcement in identifying firearm ownership and persons suspected of being involved in criminal activity. The federal Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) is the sole federal agency responsible for tracing firearms used in crimes and recovered at crime scenes.

### Local law enforcement are required by state law, upon recovering a firearm that was used in the commission of any felony offense or upon recovering a firearm that appears to have been lost, mislaid, stolen or otherwise unclaimed, to use the best available information, including a firearms trace when necessary, to determine prior ownership of the firearm.8 Upon recovering a firearm from the possession of any person who is not permitted by federal or state law to possess a firearm, local law enforcement must use the best available information, including a firearms trace when necessary, to determine how and from whom the person gained possession of the firearm.9

### When appropriate, local law enforcement are required to use ATF’s National Tracing Center for these purposes.10

### Local law enforcement agencies are also required to utilize the Illinois Department of State Police Law Enforcement Agencies Data System (“LEADS”) Gun File to enter all stolen, seized, or recovered firearms as prescribed by LEADS regulations and policies. 11

## Notes

720 Ill. Comp. Stat. 5/24-3.5(b).

720 Ill. Comp. Stat. 5/24-3.5(c).

430 Ill. Comp. Stat. 65/6.1(a), (b).

720 Ill. Comp. Stat. 5/24-5(a).

720 Ill. Comp. Stat. 5/24-5(b).

720 Ill. Comp. Stat. 5/24-3(A)(l). Illinois also provides for enhanced penalties for the crime of “gunrunning,” which is the transfer of three or more firearms involving the unlawful sale of firearms. 720 Ill. Comp. Stat. 5/24-3(A)(a).

2015 Ill. H.B. 6303.

720 Ill. Comp. Stat. 5/24-8(a).

Id.

720 Ill. Comp. Stat. 5/24-8(b).

720 Ill. Comp. Stat. 5/24-8(c).

**2. Bulk Gun Purchases.** Last Updated: JULY 27, 2020

***Illinois has no law restricting sales or purchases of multiple firearms.***

**3. Microstamping & Ballistics in Illinois.** Last Updated: JULY 31, 2020

***Illinois has no laws regarding firearm microstamping or ballistic identification.***

### G. Gun Sales

# 1. Gun Dealers in Illinois. Last Updated: JULY 29, 2020

In January 2019, Illinois enacted the “Combating Illegal Gun Trafficking Act,” a law to comprehensively license and regulate firearm dealers in the state.1 This law requires Illinois gun dealers to meet various requirements described below, concerning:

* Dealer licensing;
* Employee training;
* Location restrictions
* Posted notifications;
* Store security; and
* Recordkeeping.

**a. Dealer Licensing**

i. Federal law generally requires people who “engage in the business” of dealing firearms to obtain a federal firearms dealer license from the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF),2 although resource limitations prevent the ATF from properly overseeing many of its licensees.  Federal law states that the term “engaged in the business” means:

[A] person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.3

Since June 2019, Illinois law has also required any person or entity who “engages in the business” of selling, leasing, or otherwise transferring firearms in the state to have a valid “certificate of license” issued by the Illinois Department of State Police.4

ii. There are several exceptions to this requirement, which allow people to routinely sell, lease, or transfer firearms without a certificate of license in certain circumstances.5. These include:

* Transfers of firearms among immediate family or household members who hold valid FOID Cards;6
* Temporary firearm transfers where firearms are used solely at the location or property where the transfer takes place, such as when a shooting range leases firearms for use at their facility; and
* Temporary firearm transfers for the purposes of safety training by a firearms safety training instructor.7

**b. Qualifications for a License**

In order to receive a “certificate of license” from the Department of State Police, a person or entity must:

* Have a valid federal firearms dealer license8;
* Have a valid Illinois Firearm Owner’s Identification (FOID) Card;9; and
* Submit an affidavit stating that each owner, employee, or agent of the licensee who sells or conducts transfers of firearms is at least 21 years old and has a valid FOID Card;10

**c. License Renewals**

Dealers are required to renew their certification with the Department of State Police whenever they renew their federal firearms dealer license.11  When renewing a certification, licensees must also submit an affidavit stating that that each owner, employee, or agent of the licensee who sells or conducts transfers of firearms has completed at least 2 hours of training annually regarding legal requirements and responsible business practices related to gun sales and transfers.12

**d. Employee Training**

As described above, licensees and their employees must receive at least two hours of training annually regarding legal requirements and responsible business practices related to the sale and transfer of firearms.13  The Department of State Police is authorized to adopt rules regarding this continuing education requirement, and is also directed by law to develop and implement statewide training standards for assisting licensees in recognizing indicators “that would lead a reasonable dealer to refuse sale of a firearm, including, but not limited to, indicators of a straw purchase.”14

**e. Location Restrictions**

Illinois law prohibits certified licensees from opening a new “retail location” within 500 feet of a school, preschool or daycare facility that is already in existence near the location.15  A “retail location” is “a store open to the public from which a certified licensee engages in the business of selling, transferring, or facilitating a sale or transfer of a firearm[,]” but does not include events like gun shows where a licensee engages in business “from time to time.”16

**f. Posted Notifications**

i. Dealers are required to post a sign in a conspicuous area on their premises displaying the following notification:

“With few exceptions enumerated in the Firearm Owners Identification Card Act, it is unlawful for you to:

(A) store or leave an unsecured firearm in a place where a child can obtain access to it;

(B) sell or transfer your firearm to someone else without receiving approval for the transfer from the Department of State Police, or

(C) fail to report the loss or theft of your firearm to local law enforcement within 72 hours.”17

ii. The sign may be downloaded from the Department of State Police’s website but must be posted in block letters not less than one inch in height.18

**g. Store Security**

i. By January 2, 2020 all certified licensees that maintain an inventory of firearms19 must install an alarm monitoring system that notifies local law enforcement regarding any unauthorized intrusion into the premises where a firearm inventory is maintained.20

ii. By January 2, 2021 all certified licensees that operate a retail location21 must also install and maintain a video security system that records areas in the retail location where the dealer’s firearms are stored, handled, sold, or transferred, as well as any entrances and exits.22  These video records must be retained for at least 90 days23

iii. Certified licensees are also required to develop and submit a plan for safe storage of firearms and ammunition during and after retail hours to the Department of State Police, which may reject the plan as inadequate.24  The safe storage plan must supplement security features including “adequate locks, exterior lighting, surveillance cameras, alarm systems, and other anti-theft measures and practices,” and comply with rules established by the Department of State Police.25

**h. Record-keeping**

i. Certified licensees are also required to make a photocopy of every buyer or transferee’s valid photo ID whenever a firearm sale transaction takes place, and to attach the photocopy to the documentation detailing the record of sale.26

ii. By January 2, 2020 certified licensees that operate retail locations must also maintain an electronic recordkeeping system to keep track of their changing firearm inventory by updating the make, model, caliber or gauge, and serial number of each firearm that is received or sold by the licensee.27

iii. This system must record retail gun sales and purchases within 24 hours of the transaction, and must record shipments of firearms from manufacturers or wholesalers either within five business days of the shipment or within 24 hours of the shipment being unpacked and the firearms placed in the dealer’s inventory.28  These records must be retained at least as long as is required by federal law.29

**i. Other Requirements**

Firearms dealers are also subject to state laws governing gun sales generally.  For laws requiring dealers to:

* Conduct a background check on prospective firearm purchasers, see the Background Checks in Illinois section;
* Only sell handguns that meet certain safety standards, see the Design Safety Standards for Handguns section; and
* Ensure that firearm purchasers own a locking device, see the Locking Devices section.

##### Notes

See 2017 IL SB 337

18 U.S.C. § 922(a)(1)(A).

18 U.S.C. § 921(a)(21)(C). See also, 720 Ill. Comp. Stat. 5/24-3(j) (defining “engaged in the business for the purposes of an Illinois statute that prohibits selling or transferring firearms while engaged in the business of selling firearms at wholesale or retail without being licensed as a federal firearms dealer).

That statute states:

*A person “engaged in the business” means a person who devotes time, attention, and labor to engaging in the activity as a regular course of trade or business with the principal objective of livelihood and profit, but does not include a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

“With the principal objective of livelihood and profit” means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection; however, proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.*

430 Ill. Comp. Stat. Ann. 68/5-15.  See also, 720 Ill. Comp. Stat. 5/24-3(j) (defining “engaged in the business for the purposes of an Illinois statute that prohibits selling or transferring firearms while engaged in the business of selling firearms at wholesale or retail without being licensed as a federal firearms dealer”).

430 ILCS 68/5-25

Illinois law defines “immediate family or household member” to mean a person’s “spouse, child, parent, brother, sister, grandparent, or grandchild, whether of the whole blood or half blood or by adoption, or a person who shares a common dwelling.”  People who are not engaged in the business of selling, leasing, or transferring firearms may also more occasionally transfer firearms to other specified family members as a bona fide gift. See 430 ILCS 68/5-25(3); 730 ILCS 5/3-2.7-10; 430 Ill. Comp. Stat. Ann. 65/3(a-15)(2).

430 Ill. Comp. Stat. Ann. 68/5-25.

430 Ill. Comp. Stat. Ann. 68/5-10.

430 Ill. Comp. Stat. Ann. 68/5-40.

430 Ill. Comp. Stat. Ann. 68/5-40.  The licensee must submit this affidavit within 30 days when a new owner, employee, or other agent begins selling or conducting transfers of firearms for the licensee. Id. at 68/5-40(b). The affidavit must also contain the name and FOID Card number of each owner, employee, or agent who sells or conducts transfers of firearms for the licensee, and if an owner, employee, or agent is not otherwise a resident of Illinois, the licensee must submit an affidavit stating that the owner, employee, or agent has undergone a background check and is not prohibited from owning or possessing firearms. Id. at 68/5-40(a).

430 Ill. Comp. Stat. Ann. 68/5-75.

430 Ill. Comp. Stat. Ann. 68/5-40(a); 430 ILCS 68/5-30.

430 Ill. Comp. Stat. Ann. 68/5-30.

430 Ill. Comp. Stat. Ann. 68/5-60.

430 Ill. Comp. Stat. Ann. 68/5-20. The 500 feet restriction is “measured from the nearest corner of the building holding the retail location to the corner of the school, pre-school, or day care facility building nearest the retail location at the time the retail location seeks licensure.” Id.

430 Ill. Comp. Stat. Ann. 68/5-5.

430 Ill. Comp. Stat. Ann. 68/5-20(b).

Id.

An “inventory” of firearms means “firearms in the possession of an individual or entity for the purpose of sale or transfer.” 430 Ill. Comp. Stat. Ann. 68/5-5.

430 Ill. Comp. Stat. Ann. 68/5-50(c).

A “retail location” is “a store open to the public from which a certified licensee engages in the business of selling, transferring, or facilitating a sale or transfer of a firearm[,]” but does not include events like gun shows where a licensee engages in business “from time to time.” 430 Ill. Comp. Stat. Ann. 68/5-5.

430 Ill. Comp. Stat. Ann. 68/5-50(a).

430 Ill. Comp. Stat. Ann. 68/5-80.

430 Ill. Comp. Stat. Ann. 68/5-55.

Id.

430 Ill. Comp. Stat. Ann. 68/5-20(a).

430 Ill. Comp. Stat. Ann. 68/5-65.

Id.

430 Ill. Comp. Stat. Ann. 68/5-65, 430 Ill. Comp. Stat. Ann. 68/5-80; 27 CFR 478.129.

# 2. Maintaining Records of Gun Sales in Illinois

Last updated December 11, 2019.

Illinois law requires all sellers of firearms to retain firearm sales records for a minimum of 10 years.1

Sellers of handguns, other than manufacturers selling to bona fide wholesalers or retailers, or wholesalers selling to a bona fide retailer, are also required to keep a register of all firearms sold or given away.2 The register must contain the date of the sale or gift, the name, address, age and occupation of the person to whom the gun was sold or given, the price of the gun, the kind, description and number of the weapon, and the purpose for which it was obtained.3 Such sellers are required to produce the register for inspection, upon the demand of a peace officer, and allow the officer to inspect the register and all stock on hand.4

##### Notes

430 Ill. Comp. Stat. 65/3(b).

720 Ill. Comp. Stat. 5/24-4(a).

720 Ill. Comp. Stat. 5/24-4(b).

720 Ill. Comp. Stat. 5/24-4(c).

# 3. Waiting Periods in Illinois

Last updated December 11, 2019.

Illinois prohibits any person from delivering a firearm prior to the expiration of a 72 hour waiting periods.1

For transfers through licensed dealers and at gun shows, the Illinois Department of State Police must approve the transfer or inform the dealer of the applicant’s ineligibility within these time periods.2 The waiting period begins to run at the time an application to purchase the firearm is made. “Application” is defined to mean “when a buyer and seller reach an agreement to purchase a firearm.”3

##### Notes

720 Ill. Comp. Stat. 5/24-3(A)(g).

430 Ill. Comp. Stat. 65/3.1; 720 Ill. Comp. Stat. 5/24-3(A)(g).

720 Ill. Comp. Stat. 5/24-3(A)(g).

# 4. Gun Shows in Illinois

Last updated December 11, 2019.

a. All sellers are required to conduct background checks on prospective firearm purchasers at gun shows in Illinois.1 Any person who is not a licensed dealer who desires to transfer or sell a firearm at a gun show must first request that the Illinois Department of State Police (“DSP”) conduct a background check on the prospective recipient.2 The DSP must assign a unique identification number to the transfer, if approved, which is to be provided to the transferor.3 Approvals are valid for 30 days.4 The unique identification number must be recorded by the transferor on the record of the transfer, which (like all transfer records) must be kept for a minimum of 10 years.5

b. “Gun show” is defined as “an event or function: (1) at which the sale and transfer of firearms is the regular and normal course of business and where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or (2) at which not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.6 A gun show includes the entire premises provided for the event, including parking areas.7

c. Non-residents of Illinois cannot purchase handguns at gun shows, but may buy rifles or shotguns and ammunition for such long guns if they are residents of Iowa, Missouri, Indiana, Wisconsin or Kentucky, or are residents of another state with a valid non-resident hunting license.8 The non-residents of Illinois must not be otherwise prohibited by the laws of Illinois, their state of domicile, or federal law from purchasing or possessing such guns.9

##### Notes

430 Ill. Comp. Stat. 65/3(a-5).

Id.

430 Ill. Comp. Stat. 65/3.1(c).

430 Ill. Comp. Stat. 65/3.1(d).

430 Ill. Comp. Stat. 65/3(b).

430 Ill. Comp. Stat. 65/1.1.

Id.

430 Ill. Comp. Stat. 65/3a(b).

Id.

### H. Guns in Public

# 1. Concealed Carry in Illinois

Last updated December 11, 2019.

a. On July 9, 2013, Illinois adopted the Firearm Concealed Carry Act1 allowing individuals with a valid license to carry a concealed handgun in public.2 A license is not needed to carry a concealed handgun on a person’s own property, including his or her home or fixed place of business.3 Nor is a license needed to carry a concealed handgun on the land or in the home of another person, as long as it is with that person’s permission.4 Apart from the exceptions listed above, a concealed handgun may only be carried in public if the firearm is not in working condition, not immediately accessible, or is carried unloaded in an enclosed container by a person with a valid FOID Card.5

b. Illinois is a “shall issue” state,6 which means the Department of State Police (DSP) must issue a concealed handgun license it if the applicant meets the following qualifications:7

* Is at least 21 years old;8
* Has a currently valid Firearm Owner’s Identification (FOID) Card and at the time of application meets the requirements for the issuance of a FOID Card, and is not prohibited under Illinois or federal law from possessing a firearm;9
* Has not been convicted or found guilty in Illinois or any other state of:
	+ A misdemeanor involving the use or threat of physical force or violence to any person within five years preceding the date of the license application;10 or
	+ Two or more violations related to driving while under the influence of alcohol, drugs, intoxicating compounds, or any combination thereof within the five years preceding the date of the license application;11
* Is not the subject of a pending arrest warrant, prosecution, or proceeding for an offense or action that could lead to disqualification to own or possess a firearm;12
* Has not been in residential or court-ordered treatment for alcoholism, alcohol detoxification, or drug treatment within the five years preceding the date of the license application; and13
* Has completed the required firearms training.14

In addition, the applicant must show in the application that he or she has ***not***:

* Been convicted of a felony;15 and
* Failed a drug test for a drug which the applicant did not have a prescription within the previous year.16

c. DSP will conduct a background check on the applicant reviewing all relevant and available federal, state, and local records.17

d. Any law enforcement agency may submit an objection to a license applicant based upon a reasonable suspicion that the applicant is a danger to himself or herself or others, or a threat to public safety.18 The Concealed Carry Licensing Review Board will consider any objection to an applicant’s eligibility to obtain a license submitted by a law enforcement agency or DSP.19

e. It is unlawful for a person who is a “street gang member” to knowingly possess, carry, or conceal a firearm on or about his or her person while on any street, road, or other lands (i.e. outside his or her home or fixed place of business) without a valid FOID Card.20 It is also illegal for a “street gang member” without a valid FOID Card to possess or carry any firearm or ammunition that is immediately accessible in a vehicle located on any street, road, or other lands, except inside the person’s home or garage.21

**Firearms Safety Training**

a. An applicant for a new license to carry a concealed firearm must provide proof of completion of at least 16 hours of a firearms training course (or combination of courses) approved by DSP.22 The training must cover the following:

* Firearm safety;23
* Basic principles of marksmanship;24
* Care, cleaning, loading, and unloading of a concealable firearm;25
* All applicable Illinois and federal laws relating to the ownership, storage, carrying, and transportation of a firearm;26 and
* Instruction on the appropriate and lawful interaction with law enforcement while transporting or carrying a concealed firearm.27 In addition, an applicant for a new license must provide proof of certification by a certified instructor that the applicant passed a live fire exercise with a concealable firearm consisting of:28 1) A minimum of 30 rounds;29 and 2) 10 rounds from a distance of 5 yards, 10 rounds from a distance of 7 yards, and 10 rounds from a distance of 10 yards at a target approved by DSP.30

2. DSP and certified firearms instructors recognize up to eight hours of training already completed toward the 16-hour training requirement if the training course is approved by DSP and recognized under the laws of another state.31 DSP accepts up to eight hours of training as completed toward the 16-hour training requirement if the applicant is an active, retired, or honorably discharged member of the United States Armed Forces.32

3. A certified firearms instructor who knowingly provides or offers to provide a false certification that an applicant has completed required firearms training is guilty of a Class A misdemeanor and the Department of State Police must revoke that instructor’s certification.33

**Duration and Renewal**

The license is valid for five years from the date of issuance.34 A license will be renewed for a period of five years upon receipt of a completed renewal application which includes a new background check.35 An applicant renewing his or her license must provide proof of completion of at least three hours of a firearms training course or combination of courses approved by DSP.36 An applicant for a renewal must submit a $150 fee.37

**Reciprocity**

A resident of a state or territory approved by DSP with firearm ownership, possession, and carrying laws that are substantially similar to Illinois’ requirements to obtain a license under the Firearm Concealed Carry Act may apply for a non-resident license.38

**Disclosure or Use of Information**

a. DSP maintains a database of license applicants and licensees. The database is available to all federal, state, and local law enforcement agencies, State’s Attorneys, the Attorney General, and authorized court personnel.39 No law enforcement agency, State’s Attorney, Attorney General, or member or staff of the judiciary is to provide any information to a requester who is not entitled to it by law.40

b. Firearms instructors must maintain a record of each student’s performance for at least five years, and must make all records available to authorized personnel of DSP.41

c. The Concealed Carry Licensing Review Board reports monthly to the Governor and the General Assembly on the number of objections received, and provides details of the circumstances in which the Board has denied licensure based on the objections of law enforcement or DSP.42 The report shall not contain any identifying information about the applicants.43 Meetings of the Board are not subject to the state Open Meetings Act and records of the Board are not subject to the state Freedom of Information Act.44

##### Notes

430 Ill. Comp. Stat. 66/1 *et seq*.

*See* 430 Ill. Comp. Stat. 66/5.

720 Ill. Comp. Stat. § 5/24-1(4).

Id.

Id.

430 Ill. Comp. Stat. § 66/10(a).

*Id*., 430 Ill. Comp. Stat. § 66/25.

430 Ill. Comp. Stat. § 66/25(1).

430 Ill. Comp. Stat. § 66/25(2).

430 Ill. Comp. Stat. § 66/25(3)(A).

430 Ill. Comp. Stat. § 66/25(3)(B).

430 Ill. Comp. Stat. § 66/25(4).

430 Ill. Comp. Stat. § 66/25(5).

430 Ill. Comp. Stat. § 66/25(6).

430 Ill. Comp. Stat. § 66/30(b)(5)(A).

430 Ill. Comp. Stat. § 66/30(b)(6).  If the applicant has failed such drug test, the provider of the test, the specific substance involved, and the date of the test must be included in the application*.*

430 Ill. Comp. Stat. § 66/35.

430 Ill. Comp. Stat. § 66/15(a).

430 Ill. Comp. Stat. § 66/20.

720 Ill. Comp. Stat. § 5/24-1.8.

Id. “Street gang member” means “any person who actually and in fact belongs to a gang, and any person who knowingly acts in the capacity of an agent for or accessory to, or is legally accountable for, or voluntarily associates himself with a course or pattern of gang-related criminal activity, whether in a preparatory, executory, or cover-up phase of any activity, or who knowingly performs, aids, or abets any such activity.” 740 ILCS 147/10.

430 Ill. Comp. Stat. § 66/75(b).

430 Ill. Comp. Stat. § 66/75(b)(1).

430 Ill. Comp. Stat. § 66/75(b)(2).

430 Ill. Comp. Stat. § 66/75(b)(3).

430 Ill. Comp. Stat. § 66/75(b)(4).

430 Ill. Comp. Stat. § 66/75(b)(5).

430 Ill. Comp. Stat. § 66/75(c).

430 Ill. Comp. Stat. § 66/75(c)(1).

430 Ill. Comp. Stat. § 66/75(c)(2).

430 Ill. Comp. Stat. § 66/75(g).

430 Ill. Comp. Stat. § 66/75(i).

430 Ill. Comp. Stat. 66/70(i).

430 Ill. Comp. Stat. § 66/10(c).

430 Ill. Comp. Stat. § 66/50.

430 Ill. Comp. Stat. § 66/75(d).

430 Ill. Comp. Stat. § 66/60(b).

430 Ill. Comp. Stat. § 66/40(b), (c).

430 Ill. Comp. Stat. § 66/10(i).

*Id.*

430 Ill. Comp. Stat. § 66/75(f).

430 Ill. Comp. Stat. 66/20(i).

*Id.*

430 Ill. Comp. Stat. 66/20(h).

# 2. Open Carry in Illinois

Last updated December 11, 2019.

a. Illinois prohibits any person from knowingly carrying or possessing a firearm upon any public place or lands within the corporate limits of a city, village or incorporated town, except on the person’s own land, in his or her own home or fixed place of business, on the land or in the legal dwelling of another person as an invitee with that person’s permission, or when invited on public lands for the purpose of the display of a firearm or the lawful commerce in firearms.1 The statute does not apply to transportation of firearms that are: 1) broken down in a non-functioning state; 2) not immediately accessible; or 3) unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person with a currently valid Firearm Owner’s Identification (FOID) card.2 Various additional exceptions apply, including open carrying for hunting and target shooting.3

b. Regarding handguns, the Firearm Concealed Carry Act, adopted in 2013, provides that an individual with a valid license to carry a concealed firearm may lawfully carry a loaded or unloaded handgun partially concealed on or about his or her person.4 Thus, while a person – whether a concealed carry licensee or not – is prohibited from knowingly carrying a fully unconcealed handgun in public, a concealed carry licensee may lawfully carry a partially exposed handgun.

##### Notes

720 Ill. Comp. Stat. 5/24-1(a)(10).

*Id*.

See 720 Ill. Comp. Stat. 5/24-2(b).

430 Ill. Comp. Stat. 66/10(c)(1).

# 3. Guns in Schools in Illinois

Last updated December 11, 2019.

**a. Elementary & Secondary Schools**

i. Illinois prohibits the knowing possession or carrying of any firearm, stun gun, or taser on or about the person in any public or private elementary or secondary school, on the person or in a vehicle on the real property of any school, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity, or on the person or in a vehicle on any public way within 1,000 feet of the real property comprising a school.1

ii. This prohibition is subject to various exceptions, including possession in any vehicle or concealed on or about the person when transported: 1) broken down in a non-functioning state; 2) not immediately accessible; or 3) unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has a valid FOID card.2 Nor does this prohibition apply to law enforcement officers or school security officers or to students carrying or possessing firearms for us in training courses, parades, hunting target shooting on school ranges, or otherwise with the consent of school authorities as long as such firearms are transported unloaded enclosed in a suitable case, box, or transportation package.3

iii. Finally, state law prohibits any person age 18 or older from selling, giving, or delivering any firearm to any person under age 18 in any public or private elementary or secondary school, or on the real property comprising any such school.4

iv. In Illinois, a school board must expel a student who possessed a firearm or other weapon at school, any school-sponsored activity or event, or any activity or event which bears a reasonable relationship to school, for not less than one year.5 The expulsion period may be modified by the superintendent, and the superintendent’s determination may be modified by the board, on a case-by-case basis. A student subject to suspension or expulsion may be eligible for a transfer to an alternative school program.6

v. Illinois law also defines aggravated battery with a firearm to include knowingly or intentionally causing injury with a firearm to a person known to be a teacher, school employee, or student who is on school grounds or adjacent to a school.  This is punishable with a minimum prison sentence of 15 years.7

vi. Possession of a silencer, machine gun, or short-barreled shotgun in any public or private elementary or secondary school or within 1,000 feet of the real property comprising a school is a Class 2 felony punishable by a prison sentence of 3 to 7 years.8  The possession of various other weapons in any such areas, including black-jacks, metal knuckles, dirks, and switchblades is punishable as a Class 4 felony9

**b. Colleges & Universities**

i. Illinois prohibits the knowing possession or carrying of any firearm on or about the person in any community college, college, or university, on the person or in a vehicle on the real property comprising any such school, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity, or on the person or in a vehicle on any public way within 1,000 feet of the real property comprising such a school.10

ii. This prohibition is subject to several exceptions, including possession for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities.11 The possession of a firearm by a FOID card holder is allowed in any vehicle or concealed on or about the person when transported: 1) broken down in a non-functioning state; 2) not immediately accessible; or 3) unloaded and enclosed in a case, firearm carrying box, shipping box, or other container.12

iii. Illinois prohibits any person age 18 or older from selling, giving or delivering any firearm to any person under age 18 in any community college, college or university, or on the real property comprising any such school.13

##### Notes

720 Ill. Comp. Stat. 5/24-1(a)(4), (10), (c)(1.5), (4).

720 Ill. Comp. Stat. 5/24-1(a)(4), (10).

720 Ill. Comp. Stat. 5/24-1 (c)(3).

720 Ill. Comp. Stat. 5/24-3.3. See also 720 Ill. Comp. Stat. 5/24-3(A)(a), (b), (i), (C)(4).

105 Ill. Comp. Stat. 5/10-22.6(d).

Id.

720 Ill. Comp. Stat. 5/12-4.2(a)(4), (b).

720 Ill. Comp. Stat. 5/24-1(a)(6), (7), (c)(1).

720 Ill. Comp. Stat. 5/24-1 (c)(2).

720 Ill. Comp. Stat. 5/24-1(a)(4), (10), (c)(1.5), (4).

720 Ill. Comp. Stat. 5/24-1(a)(4), (10), (c)(3).

720 Ill. Comp. Stat. 5/24-1(a)(4), (10).

720 Ill. Comp. Stat. 5/24-3.3.

# 4. Guns in Vehicles in Illinois

Last updated December 11, 2019.

i. Illinois prohibits any person from knowingly carrying or possessing a firearm in any vehicle except on the person’s own home, land, fixed place of business or on the land or in the legal dwelling of another person as an invitee with that person’s permission.1 The statute does not apply, however, to the transportation of firearms that are: 1) broken down in a non-functioning state; 2) not immediately accessible; or 3) unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person with a currently valid Firearm Owner’s Identification card.2

ii. Under Illinois’ Concealed Firearm Carry Act, enacted in 2013, a person who is issued a valid concealed carry license is permitted to keep or carry a loaded or unloaded concealed firearm on or about his or her person within a vehicle.3

##### Notes

720 Ill. Comp. Stat. 5/24-1(a)(4).

Id. In People v. Diggins, 919 N.E.2d 327 (Ill. 2009), the Supreme Court of Illinois reviewed whether the center console of a vehicle was a “case” for the purposes of the lawful containment of a firearm in a vehicle, within the meaning of 720 Ill. Comp. Stat. 5/24-1.6(a)(1), which imposes an additional penalty for publicly carrying a firearm if it is uncased. The court found nothing in the overall statutory scheme to suggest that the legislature intended for the various types of receptacles to be firearm specific, and concluded that the center console of the vehicle fell within the ordinary definition of a “case.”

430 Ill. Comp. Stat. 66/10(c)(2).

# 5. Other Location Restrictions in Illinois

Last updated December 11, 2019.

Illinois generally prohibits the possession of a firearm in or on the real property of a public park, courthouse, any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, courthouse or public transportation facility.1 Individuals with concealed handgun permits may, however, store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. A licensee may carry a concealed firearm in the immediate area surrounding his or her vehicle within a prohibited parking lot area only for the limited purpose of storing or retrieving a firearm within the vehicle’s trunk.2

This same law also prohibited the possession of a firearm on any public way within 1,000 feet of a public park.3 However, in 2018, the Illinois Supreme Court determined that the firearm prohibition within 1,000 feet of parks violated the Second Amendment, noting that this requirement “would effectively prohibit the possession of a firearm for self-defense within a vast majority of the acreage in the city of Chicago because there are more than 600 parks in the city.” People v. Chairez, 2018 IL 121417 (Ill. Feb. 1, 2018). The Illinois Supreme Court did not address or rule on the constitutionality of any of Illinois’s other location restrictions.

Illinois also prohibits the carrying or possession of firearms in any location licensed to sell alcoholic beverages or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted.4

Illinois also prohibits a person from boarding or attempting to board any commercial or charter aircraft while knowingly having a firearm in his or her possession. This is punishable as a Class 4 felony.5.

Illinois has no specific statutory gun possession prohibitions in or at:

* Places of worship; or
* Polling places.

**6. Location Restrictions for Concealed Carry Licensees**

A concealed carry licensee in Illinois shall not knowingly carry a concealed firearm on or into:6

* A public or private elementary or secondary school;7
* A pre-school or child-care facility;8
* Any area under the control of an officer of the executive or legislative branch of government;9
* Any building designated for matters before a circuit court, appellate court, and/or under the control of the Supreme Court;10
* Any building under the control of a unit of local government;11
* An adult or juvenile detention or correctional institution, prison, or jail;12
* A public or private hospital or hospital affiliate, mental health facility, or nursing home;13
* Public transportation facilities, buses, trains or other forms of public transportation;14
* An establishment that serves alcohol on its premises;15
* Any public gathering or special event conducted on property open to the public that requires the issuance of a permit from the unit of local government;16
* Any public playground;17
* Any public park, athletic area, or athletic facility under the control of a municipality or park district;18
* Any real property under the control of the Cook County Forest Preserve District;19
* Any public or private community college, college, or university;20
* Any building, real property, or parking area under the control of a gaming facility licensed under the Riverboat Gambling Act or the Illinois Horse Racing Act of 1975, including an inter-track wagering location licensee;21
* Any stadium, arena, or the real property or parking area under the control of a stadium, arena, or any collegiate or professional sporting event;22
* Any public library;23
* Any airport;24
* Any amusement park;25
* Any zoo or museum;26
* Any street, driveway, parking area, property, building, or facility owned, leased, controlled or used by a nuclear energy, storage, weapons or development site or facility regulated by the federal Nuclear Regulatory Commission;27 or
* Any area where firearms are prohibited under federal law.28

##### Notes

720 Ill. Comp. Stat. 5/24-1(c)(1.5). Certain firearms violations, including carrying concealed weapons, use of silencers, sawed-off shotguns, and machine guns, are subject to enhanced penalties when committed in or within 1,000 feet of a school or courthouse. See 720 Ill. Comp. Stat. 5/24-1(c).

430 Ill. Comp. Stat. 66/65.

See 720 ILCS 5/24-1(a)(4), (c)(1.5).

720 Ill. Comp. Stat. 5/24-1(a)(8).

720 Ill. Comp. Stat. 5/29D-35.1.

430 Ill. Comp. Stat. 66/65(a).

430 Ill. Comp. Stat. 66/65(a)(1); Includes parking areas.

430 Ill. Comp. Stat. 66/65(a)(2); Includes parking areas. The operator of a child-care facility in a family home may own or possess a firearm if no child under child-care at the home is present in the home or the firearm in the home is stored in a locked container when a child under child-care at the home is present*.*

430 Ill. Comp. Stat. 66/65(a)(3); Includes parking areas. Licensees are not prohibited from carrying a concealed firearm onto the real property, bikeway, or trail in a park regulated by the Department of Natural Resources or any other designated public hunting area or building where firearm possession is permitted*.*

430 Ill. Comp. Stat. 66/65(a)(4).

430 Ill. Comp. Stat. 66/65(a)(5).

430 Ill. Comp. Stat. 66/65(a)(6); Includes parking areas*.*

430 Ill. Comp. Stat. 66/65(a)(7); Includes parking areas*.*

430 Ill. Comp. Stat. 66/65(a)(8).

430 Ill. Comp. Stat. 66/65(a)(9); Includes parking areas. More than 50% of the establishment’s gross receipts within the prior three months must be from the sale of alcohol for it to be a “prohibited area.” The owner of an establishment who knowingly fails to prohibit concealed firearms on its premises or who knowingly makes a false statement or record to avoid the prohibition on concealed firearms is subject to penalty*.* 235 Ill. Comp. Stat. 5/10-1(c-5).

430 Ill. Comp. Stat. 66/65(a)(10); This restriction does not apply to a licensee who must walk through a public gathering in order to access his or her residence, place of business, or vehicle*.*

430 Ill. Comp. Stat. 66/65(a)(12).

430 Ill. Comp. Stat. 66/65(a)(13); Licensees are not prohibited from carrying a concealed firearm while on a trail or bikeway if only a portion of the trail or bikeway includes a public park*.*

430 Ill. Comp. Stat. 66/65(a)(14).

430 Ill. Comp. Stat. 66/65(a)(15).

430 Ill. Comp. Stat. 66/65(a)(16); Includes parking areas*.*

430 Ill. Comp. Stat. 66/65(a)(17); Includes parking areas*.*

430 Ill. Comp. Stat. 66/65(a)(18); Includes parking areas*.*

430 Ill. Comp. Stat. 66/65(a)(19); Includes parking areas*.*

430 Ill. Comp. Stat. 66/65(a)(20); Includes parking areas*.*

430 Ill. Comp. Stat. 66/65(a)(21); Includes parking areas*.*

430 Ill. Comp. Stat. 66/65(a)(22); The licensee shall not under any circumstance store a firearm or ammunition in his or her vehicle or in a compartment or container within a vehicle located anywhere in or on the street, driveway, parking area, property or building at or near such a location regulated by the Nuclear Regulatory Commission.

430 Ill. Comp. Stat. 66/65(a)(23).